

Procedure

Ethics laws (IC 4-2-6) authorize the Commission to initiate and conduct an investigation into an alleged violation upon its own initiative or upon the written request of the Governor. In addition, the Commission may receive sworn complaints of alleged ethics violations. If a complaint is not dismissed for failing to allege facts sufficient to constitute a code or statutory violation or for being frivolous or inconsequential, the Commission investigates the complaint.

Alternatively, a complaint may be forwarded to a more appropriate authority or person for investigation. If a complaint is not dismissed or forwarded, the respondent(s) must be notified promptly that a complaint has been filed.

After the Commission conducts an investigation, it determines if there is probable cause to support an alleged violation. If the Commission does not find probable cause, the complaint is dismissed and the person who filed the complaint and the respondent are notified. In such a situation, all information received by the Commission in its investigation remains confidential unless the respondent waives the right to confidentiality and elects to have the records divulged.

If the Commission determines there is probable cause of a violation, the respondent must be notified and a public hearing must be set within sixty days of the determination. The respondent may instead enter into a settlement concerning the facts and proposed sanction, if the Commission agrees.

After the public hearing or acceptance of an agreed settlement, the Commission must issue a report stating its findings of fact and recommending or imposing sanctions. The Commission may recommend the appointing authority reprimand, suspend, or dismiss the employee or the Commission may directly impose sanctions of a civil penalty, cancel a contract, or bar a person from contracting with an agency of state government.

The report of the Commission must be sent to the employee, the appointing authority of the employee, and the Governor. The Commission may also forward the report to the prosecuting attorney of a county in which the violation occurred, the State Board of Accounts, the state personnel director, the attorney general, a state officer, or any other appropriate person. The report is available for public inspection and copying.

Case Summaries

During 2000, the State Ethics Commission initiated 12 new cases and resolved six cases of those pending from 1999. All but two of the new cases were initiated by the Commission based on information it had received. The remaining two cases were initiated by formal complaints.

The cases resolved in 2000 include:

- A public assistance caseworker was cited for conflict of interest when she served as a real estate agent for clients that she also represented in her state position. In addition, the caseworker was found to have used state resources and state time for purposes related to her outside real estate activities. In a settlement with the Commission, the caseworker agreed to a reprimand and a civil penalty of \$2500.

- A former inspector for the State Fire Marshal's Office misused state time and resources when he used a state vehicle for an outside training business – and when he conducted part of that training while on state time. A settlement was reached in which the former inspector agreed to a civil penalty of \$1500.
- A former attorney with the Indiana Professional Licensing Agency misused state time and resources by using a state computer, Internet privileges, telephone, and printer for purposes other than official state business, including for outside legal work.
- An attorney in Family & Social Services Administration was also cited for misusing state time and resources. He was found to have worked on letters, pleadings and briefs related to his outside legal employment, as well as working on personal matters and downloading computer games. The attorney reached a settlement with the Commission and was suspended without pay for three weeks.
- In a case that went to public hearing, a former vocational rehabilitation counselor was found to have violated the ethics code by seeking and receiving sexual favors from a client. The Commission levied a \$10,000 fine and recommended termination. The former counselor is seeking judicial review of the decision.
- Close to two-dozen employees were disciplined and fined for forwarding jokes, cartoons and various file attachments using state computers and networks. Fines ranged from \$25 to \$100.
- The Commission found that a state trooper improperly accepted an honorarium from a consortium. In a settlement with the Commission, the trooper, while not admitting that the honorarium was illegal, did not contest the finding. He was fined \$250 in addition to having a second pending honorarium payment waived.

In five other investigations initiated in 2000, the Commission found no probable cause and dismissed the cases. Several others remained pending as of the beginning of 2001.

Issues Examined in Cases Initiated in 2000

Conflict of Interest	4
Misuse of State Resources/Time	4
Gifts/Favors	3
Moonlighting	3
Travel Rule	2
Post-Employment Restriction	2
Honoraria	1
Political Activity	1